NYCON SUPPLY CORPORATION (DAR SITE ID #58)

Address:	47-17 27th Street, Long Island City, New York 11101
Tax Lot Parcel(s):	Queens Block 115, Lot 56
Latitude:	40.743233
Longitude:	-73.939719
Regulatory Programs/ Numbers/Codes:	AFS No. 36081R3357, SPDES No. GP-98-03, PBS No. 2-610744, CBS No. 2-000181, NPDES No. NYR00D706, NYSDEC Spill No. 9710158
Analytical Data Status:	☐ Electronic Data Available ☐ Hardcopies only ☒ No Data Available

1 SUMMARY OF CONSTITUENTS OF POTENTIAL CONCERN (COPCs) TRANSPORT PATHWAYS TO THE CREEK

The current understanding of the transport mechanisms of COPCs from the upland portions of the NYCON Supply Corporation (NYCON) site (site) to Newtown Creek is summarized in this section and in Table 1 and supported in the following sections..

Overland Transport

The site is located adjacent to Dutch Kills, a tributary to Newtown Creek. Violations on file for the site indicate unlawful discharge and runoff of waste material into Dutch Kills. This pathway is potentially historically and currently complete.

Bank Erosion

No specific evidence of bank erosion was identified in available site records. A bulkhead at the site is located adjacent to Dutch Kills as shown in Figure 1. There is insufficient evidence to make a historical or current pathway determination.

Groundwater

The site is located adjacent to Dutch Kills. Two petroleum underground storage tanks (USTs) are located at the site. There is no available groundwater quality information available for

this site. No groundwater investigations have been conducted at the site; therefore, there is insufficient evidence to make a historical or current pathway determination.

Overwater Activities

Historical operations at the site involved the transfer of sand, gravel, and other materials from barges to the site (USACE 1965). Although aerial photos indicate a wharf (barge port) still remains at the site, current overwater activities at the site are unknown. This pathway is potentially historically complete, and there is insufficient evidence to make a current pathway determination.

Stormwater/Wastewater Systems

This site is within the Bowery Bay Water Pollution Control Plant (WPCP) sewershed. Stormwater at the site is expected to infiltrate into the ground, discharge to Dutch Kills via a local stormdrain system, or flow overland towards Dutch Kills along the southeast property boundary. There are no current industrial wastewater discharge (IWD) permits or any State Pollution Elimination Discharge System (SPDES) permits; however, the site did have a SPDES Muli-sector General Permit (GP-98-03) that expired and was not renewed as a SPDES Multi-sector General Permit for Stormwater Discharges Associated with Industrial Activity (GP-0-06-002) at the request of New York State Department of Environmental Conservation (NYSDEC; 2008). NYSDEC filed a 23-count legal complaint against NYCON, alleging the concrete manufacturer illegally dumped concrete waste into the Dutch Kills tributary of Newtown Creek on multiple occasions (Riverkeeper 2008; NYSDEC 2008).

The direct discharge of stormwater and wastewater pathway is potentially historically and currently complete. There is insufficient evidence to make a historical or current sewer/combined sewer overflow pathway determination.

Air Releases

The site has a facility-wide air permit (USEPA 2011) on file. No information related to air discharges or violations were located for the site. There is insufficient evidence to make a historical or current pathway determination.

2 PROJECT STATUS

No available documents containing environmental investigations were identified for this site. A NYSDEC Site Code was not found for this site.

3 SITE OWNERSHIP HISTORY

Respondent Member: ☐ Yes ☒ No

Owner	Years	Occupant	Types of Operations
Francis J. Principe	1946 – 1966	Principe-Danna, Inc.	Concrete Manufacturer
Princess Construction Company	1966 – 1989		
Francis J. Principe	1989 – 1998		
	circa 1995	Anthony Concrete Supply Corporation	
27th Street Holding, LLC.	1998 – 2009	NYCON Supply Corporation (Fordham Road Concrete Corporation)	
Chaves Development, LLC	2009 – present	NYCON Supply Corporation (Fordham Road Concrete Corporation)	

4 PROPERTY DESCRIPTION

The site occupies approximately 1.23 acres adjacent to the northwest end of Dutch Kills, a tributary of Newtown Creek. The area is zoned M3-2. M3 districts are designated for areas with heavy industries that generate noise, traffic, or pollutants (NYCDCP 2011). Elevation at the site decreases from approximately 10 feet above mean sea level on the northwest property boundary to Dutch Kills on the southeast property boundary as shown in Figure 1. From the aerial photograph, a concrete bulkhead extends across the shoreline and there are buildings, machinery, trucks, and bare ground at the site (see Figure 1).

5 CURRENT SITE USE

The site is a concrete manufacturer (ready-mix concrete facility) and supplier of Nycon® reinforcing fibers for use in the concrete manufacture and ready-mix concrete industry (NYSDEC 2008). The site is used in the preparation of concrete for construction use.

6 SITE USE HISTORY

This site has been used for the manufacture of concrete since 1946 (American Concrete Institute 2011). The first owner of the site for this use was Francis J. Principe who was the president and founder of Principe-Danna, a ready-mix concrete company (American Concrete Institute 2011). The use of this site as a concrete manufacturer is also described in other historical sources (Chamber of Commerce 1960; URS 1992; Sanborn 1947). The site name changed from Principe-Danna Corporation to NYCON Supply Corporation (also known as Fordham Road Concrete Corporation) in 2003.

7 CURRENT AND HISTORICAL AREAS OF CONCERN AND COPCs

The current understanding of the historical and current potential upland and overwater areas of concern at the site is summarized in Table 1. The following sections provide brief discussion of the potential sources and COPCs at the site requiring additional discussion.

7.1 Uplands

Potential historical and current contaminant sources at the site include bulk petroleum USTs, waste oil storage, and equipment and products used in concrete manufacturing and distribution operations. The primary COPCs for these sources include polycyclic aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), metals, petroleum products, and other semi-volatile organic compounds (SVOCs).

Two underground fiberglass tanks are on the property. Both the 4,000- and 3,000-gallon bulk petroleum tanks include spill prevention (catch basins), tank leak detection (interstial electronic monitoring and in-tank monitoring), and have overfill monitoring (high level alarms). The piping for the tanks also have leak detection (interstial electronic monitoring).

Other ancillary equipment (i.e., valves, pumps) are at the site (EDR 2010). No other information is available for these tanks.

Three aboveground storage tanks (ASTs) and four USTs have been located on site. Two ASTs were found under Chemical Bulk Storage (CBS) No. 2-000181 and have been closed. The remaining in-service ASTs and USTs have an active permit (Petroleum Bulk Storage [PBS] No. 2-610744) that expires February 1, 2013. The on-site storage tanks are summarized in the following table:

Tank ID	Date Installed	Tank Status	Tank Location	Capacity (gallons)	Product
CBS No. 2-000181					
18011	09/22/89	Unregulated, expired 09/22/97 (NYSDEC), no tank closed date or status (EDR)	AST	275	Sodium hydroxide
18012	09/22/89	Unregulated, expired 09/22/97 (NYSDEC), no tank closed date or status (EDR)	AST	275	Sodium hydroxide
PBS No.2-610744					
001	02/01/98	In service	UST	4,000	Diesel
002	02/01/98	In service	UST	3,000	Diesel
003	02/01/98	In service	UST	2,000	No. 2 fuel oil
004	02/01/98	In service	UST	2,000	No. 2 fuel oil
005	12/01/07	In service	AST	275	Waste oil/used oil

Notes:
AST – aboveground storage tank
EDR – Environmental Data Resources, Inc.
CBS – chemical bulk storage
NYSDEC – New York State Department of Environmental Conservation
PBS – petroleum bulk storage
UST – underground storage tank

Concrete waste has reached the Dutch Kills from this site. Riverkeeper filed a Notice of Intent to sue NYCON. Riverkeeper and NYC Councilman Eric Gioia, Chair of the City Council Committee on Oversight and Investigations, alleged that NYCON had been illegally discharging concrete waste without a permit into a tributary of Newtown Creek, in violation of both the Clean Water Act and Resource Conservation and Recovery Act (RCRA). On

October 31, 2008, NYSDEC filed a 23-count legal complaint against NYCON, alleging the concrete manufacturer illegally dumped concrete waste into the Dutch Kills tributary of Newtown Creek on multiple occasions (Riverkeeper 2008; NYSDEC 2008).

Riverkeeper also states, "NYCON's concrete waste discharges pose an imminent and substantial endangerment to health and environment under RCRA." Riverkeeper (2008) contends that the waste that was being discharged by NYCON potentially affects Dutch Kill by increasing the pH of the water. Riverkeeper has also notified NYCON through this lawsuit that there was ongoing concrete waste seepage discharging through the bulkhead into Dutch Kills and that they believe that NYCON was in violation of the Clean Water Act (Riverkeeper 2008).

7.2 Overwater Activities

Historical operations at the site involved the transfer of sand, gravel, and other materials from barges to the site (USACE 1965). Although aerial photos indicate a wharf (barge port) still remains at the site, current overwater activities at the site are unknown. During the transfer process, sand or gravel may have spilled into Dutch Kills and spills of diesel or fuel oil from the barges may have occurred.

7.3 Spills

Documented spills at the site are summarized as follows:

- On December 4, 1997, an unknown cause resulted in a diesel release (NYSDEC Spill No. 9710158). The release was reported as a 30-gallon spill that affected soil. The spill was closed by NYSDEC the following day (NYSDEC 2012b).

8 PHYSICAL SITE SETTING

No site-specific geologic or hydrogeologic information is available for the site. The following information is based on regional conditions in the Brooklyn and Queens areas.

In general, the geologic setting of the Newtown Creek area consists of Quaternary glacial deposits overlying Paleozoic gneiss and schist bedrock (Misut and Monti 1999). The contact

between the glacial deposits and bedrock slopes rather steeply to the southeast, ranging in depth from less than 50 feet below ground surface (bgs) near the mouth of Newtown Creek to more than 200 feet bgs at the eastern portions of the historical data review area. The near surface geology is of most interest relative to potential groundwater transport pathways from upland sites to the creek. In most areas, a heterogeneous anthropogenic fill unit of variable thickness (generally less than 20 feet thick) immediately underlies the surface. Beneath the fill in most areas are complex upper glacial deposits of Late Pleistocene age consisting of ablation till, outwash, and glaciolacustrine sediments. In some areas near Newtown Creek, a shell-bearing gray silt unit is present beneath the fill; this silt may represent post-glacial intertidal sediments deposited in wetlands adjacent to the creek prior to filling in the 1800s. An extensive sequence of regionally significant glacial units underlies the upper glacial deposits in areas where bedrock is deeper (Misut and Monti 1999).

The surface aquifer is typically contained with the upper glacial deposits and the lower portion of the anthropogenic fill layer. Depth to groundwater varies from a few feet to approximately 30 feet bgs in the historical data review area. Shallow groundwater generally flows towards and discharges to Newtown Creek (Misut and Monti 1999).

9 NATURE AND EXTENT (CURRENT UNDERSTANDING OF ENVIRONMENTAL CONDITIONS)

9.1 Soil

Soil Investigations	☐ Yes	☒ No	
Bank Samples	☐ Yes	☒ No	☐ Not Applicable
Soil-Vapor Investigations	☐ Yes	☐ No	

No soil investigations have been conducted at the site.

9.2 Groundwater

Groundwater Investigations	☐ Yes	☒ No	
NAPL Presence (Historical and Current)	☐ Yes	☒ No	
Dissolved COPC Plumes	☐ Yes	☒ No	
Visual Seep Sample Data	☐ Yes	☒ No	☐ Not Applicable

No groundwater investigations have been conducted at the site. Available documents indicate the potential for waste seepage at the site; however, no investigations have been conducted to confirm this.

9.3 Surface Water

Surface Water Investigation	☐ Yes	☒ No
Stormwater and Wastewater Systems	☐ Yes	☐ No
SPDES Permit (Current or Past)	☒ Yes	☐ No
IWD Permit (Current or Past)	☐ Yes	☒ No
Stormwater Data	☐ Yes	☒ No
Catch Basin Solids Data	☐ Yes	☒ No
Wastewater Data	☐ Yes	☒ No

9.3.1 Stormwater and Wastewater Systems

This site is within the Bowery Bay Water Pollution Control Plant (WPCP) sewershed. Stormwater at the site is expected to infiltrate into the ground, discharge to Dutch Kills via a local stormdrain system, or flow overland towards Dutch Kills on the southeast property boundary.

Riverkeeper filed a Notice of Intent to sue NYCON. Riverkeeper and NYC Councilman Eric Gioia, Chair of the City Council Committee on Oversight and Investigations, have alleged that NYCON illegally discharged concrete waste without a permit into Dutch Kills, a tributary of Newtown Creek, in violation of both the Clean Water Act and RCRA. On October 31, 2008, NYSDEC filed a 23-count legal complaint against NYCON, alleging the concrete manufacturer illegally dumped concrete waste into the Dutch Kills on multiple occasions (Riverkeeper 2008, NYSDEC 2008). In the 23-count complaint, NYCON was in violation of various rules covered under the Environmental Conservation Law (ECL) and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) by allowing concrete waste into Dutch Kills in the form of a liquid, as a solid, as an aggregate, as rock and sand, as sediment, and to form a visibly turbid plume. They were also in violation of several ECL and 6 NYCRR rules by allowing the discharge of the concrete

waste in stormwater and by allowing the discharge of the concrete wastewater without a stormwater permit.

9.3.2 SPDES Permit

The site did have a SPDES Multi-sector General Permit (GP-98-03; NYSDEC 2008); however, the GP-98-03 permit expired on June 26, 2007, and was not renewed (NYSDEC 2008). No specific information could be found on the expired general permit. NYCON and Arthur Reis filed a Notice of Termination application with NYSDEC requesting that they no longer be required to obtain a permit for their operation under the new SPDES Multi-sector General Permit for Stormwater Discharges Associated with Industrial Activity (GP-0-06-002). NYSDEC did not agree with the application (NYSDEC 2008). Finally, the site did not file for a GP-0-06-002 permit despite NYSDEC's request for one.

9.4 Sediment

Creek Sediment Data ☐ Yes ☒ No ☐ Not Applicable

Sediment investigation information was not found in reviewed documents.

9.5 Air

Air Permit ☒ Yes ☐ No

Air Data ☐ Yes ☒ No

The site has a facility-wide air permit (AFS: 36081R3357) on file. The emissions are classified as potential uncontrolled emissions (USEPA 2011). Available documents contained no information related to air discharges, air emissions, or violations for this site (USEPA 2011).

10 REMEDIATION HISTORY (INTERIM REMEDIAL MEASURES AND OTHER CLEANUPS)

Information related to remediation for this site was not found in reviewed documents.

11 BIBLIOGRAPHY/INFORMATION SOURCES

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Riverkeeper, 2008. Letter to: Arthur G. Reis, Chief Executive Officer, NYCON Supply Corporation. Regarding: Notice of Intent to Sue NYCON Supply Corporation for Clean Water Act and Resource Conservation and Recovery Act Violations at its Facility on the Dutch Kills in Long Island City, New York. September 4, 2008.

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USEPA (U.S. Environmental Protection Agency), 2011. USEPA Envirofacts Database. Accessed December 20, 2011. Available from: http://www.epa.gov/enviro/index.html

12 ATTACHMENTS

Figures

Figure 1 Site Vicinity Map: NYCON Supply Corporation

Tables

Table 1 Potential Areas of Concern and Transport Pathways Assessment

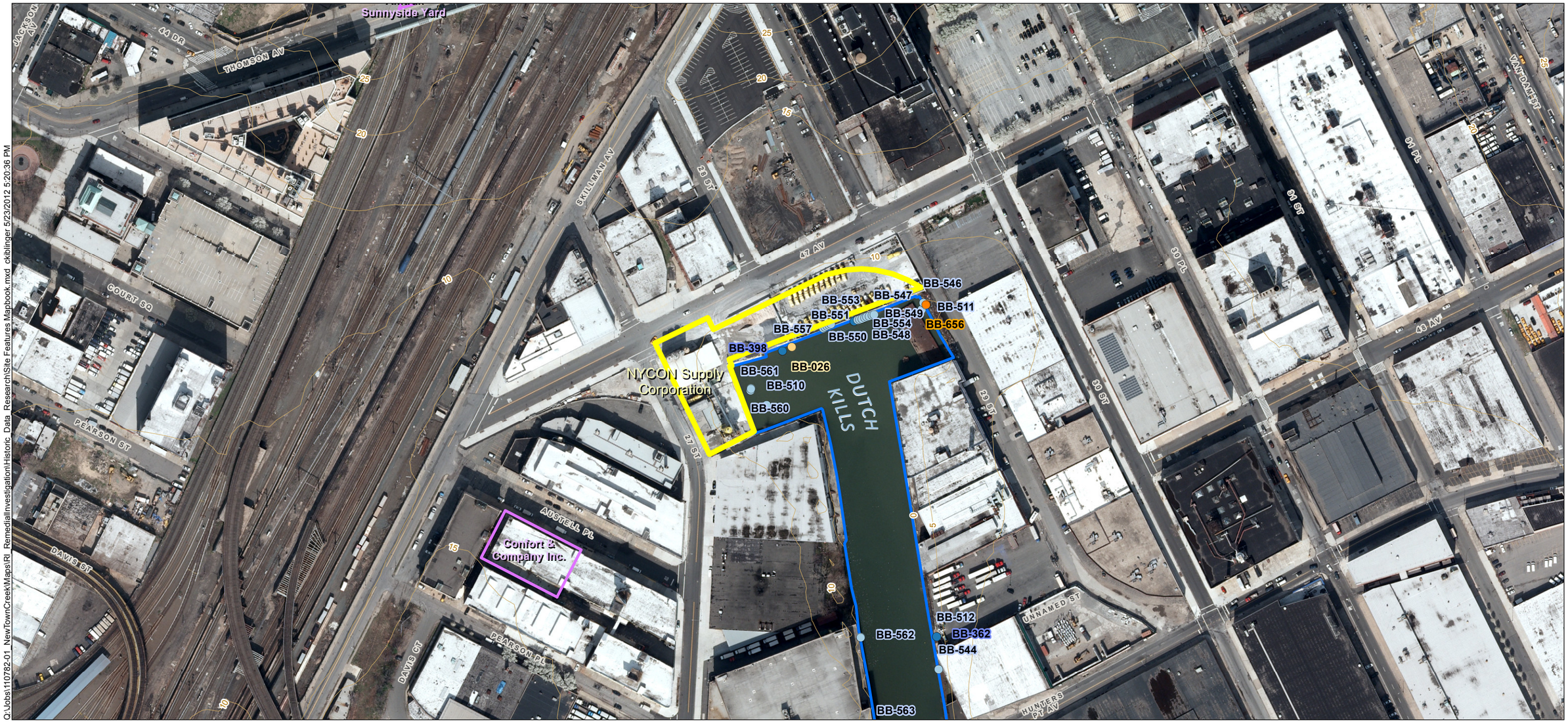
Table 1

Potential Areas of Concern and Transport Pathways Assessment – NYCON Supply Corporation

Potential Areas of Concern	Media Impacted					COPCs														Potential Complete Pathway						
						TPH			VOCs																		
Description of Areas of Concern	Surface Soil	Subsurface Soil	Groundwater	Catch Basin Solids	Creek Sediment	Gasoline – Range	Diesel – Range	Heavier – Range	Petroleum Related (e.g., BTEX)	VOCs	Chlorinated VOCs	SVOCs	PAHs	Phthalates	Phenolics	Metals	PCBs	Herbicides and Pesticides	Dioxins/Furans	Overland Transport	Groundwater	Direct Discharge – Overwater	Direct Discharge – Storm/Wastewater	Discharge to Sewer/CSO	Bank Erosion	Air Releases
Wastewater from concrete manufacturing process	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?
Concrete Wastes	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	√	?	?	√	?	?	--
ASTs/USTs	--	?	?	--	?	?	√	√	√	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?
Overwater Activities	--	--	--	--	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?	?

Notes:
√ – COPCs are/were present in areas of concern having a current or historical pathway that is determined to be complete or potentially complete
? – There is not enough information to determine if COPC is/was present in area of concern or if pathway is complete
-- – Current or historical pathway has been investigated and shown to be not present or incomplete

AST – aboveground storage tank
BTEX – benzene, toluene, ethylbenzene, and xylene
COPC – constituent of potential concern
CSO – combined sewer overflow
PAH – polycyclic aromatic hydrocarbon
PCB – polychlorinated biphenyl
SVOC – semi-volatile organic compound
TPH – total petroleum hydrocarbon
UST – underground storage tank
VOC – volatile organic compound



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- USEPA Sample Locations (Surface and Subsurface)
- Shoreline (NYC Dept. of Information Technology, 2006)
- USGS Nat'l Elev. Dataset 5-foot Contours
- Selected Site Property Boundary
- Neighboring Site Property Boundary

Outfall Class

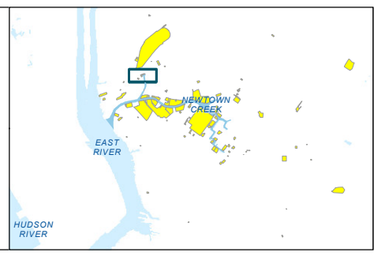
- Direct Discharge
- General
- Highway Drain
- Major Stormwater Outfall
- SPDES
- Storm Drain

NOTES:

1. Outfall Labeling: BB: Bowery Bay; NC(B/Q): Newtown Creek, Brooklyn/Queens; ST: Stormwater.
2. Outfall locations are preliminary, compiled, estimated data based on New York City Department of Environmental Protection (NYCDEP) maps and tabulated data and other resources. Many outfall locations were taken from the New York City Shoreline Survey Program: Newtown Creek Water Pollution Control Plant Drainage Area, NYCDEP, March 31, 2003. Other locations were taken from an excerpt from a similar report from 2008 (the complete report was not included in files available for review). Finally, some outfall locations were inherited from previous Anchor QEA and Newtown Creek Project work. Latitudinal and longitudinal data provided in the 2003 and 2008 NYCDEP reports were rounded to the nearest second. This resulted in potential outfall location discrepancies of up to approximately 200 feet. All outfall locations are currently under field verification.
3. Aerial Photos: New York State Division of Homeland Security and Emergency Services, 2010.
4. Site Boundaries are based on New York City parcels data.
5. Coarse topographic contours are derived from U.S. Geological Survey 10-meter data.

Feet

0 100 200 300 400



ANCHOR QEA

DRAFT

Figure 1
Site Vicinity Map
Draft Upland Site Summary: NYCON Supply Corporation
Newtown Creek RI/FS